

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON UTILITIES AND
ENERGY**

July 2007

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STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

CON RES XXX.....	Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE.....	Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....	House & Senate disagree; bill died
DIED IN CONCURRENCE.....	One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....	Action incomplete when session ended; bill died
EMERGENCY.....	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....	Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....	Bill failed to get majority vote
FAILED MANDATE ENACTMENT.....	Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY.....	Ruled out of order by the presiding officers; bill died
INDEF PP.....	Bill Indefinitely Postponed
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted
OTP-ND.....	Committee report Ought To Pass In New Draft
P&S XXX.....	Chapter # of enacted Private & Special Law
PASSED.....	Joint Order passed in both bodies
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

Please note that the effective date for non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Utilities and Energy

This bill establishes funding to provide grants to municipalities to identify cost-effective energy conservation measures and improvements to municipal buildings and municipal vehicle fleets to achieve energy savings. The bill provides for grants of up to \$40,000 for 5 to 10 municipalities annually. The bill directs the Maine Municipal Bond Bank to administer the grants and directs the bank to develop criteria for the grants in consultation with the Public Utilities Commission and the Executive Department, State Planning Office. The bill requires that conservation measures and improvements in municipal buildings identified with grant funds be identified through a comprehensive energy audit performed by a licensed professional engineer. The bill requires the bond bank to report on the program every 2 years to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters.

Committee Amendment "A" (H-45)

This amendment replaces the bill. The amendment modifies the existing Efficiency Partners Program to incorporate financing for energy audits. Under current law, the program is authorized to provide financing for cost-effective energy efficiency improvements to achieve energy cost savings in municipal and school buildings. The amendment also requires that an energy audit conducted under the program address compliance with the model building energy code adopted by the Public Utilities Commission instead of the standards for indoor air quality developed by the American Society of Heating, Refrigeration and Air Conditioning Engineers. The amendment adds provisions to the Efficiency Partners Program law to require the Maine Municipal Bond Bank to report annually on the program to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters. The amendment also makes technical changes to improve consistency and clarity in statutory language.

Enacted Law Summary

Public Law 2007, chapter 66 modifies the Efficiency Partners Program to incorporate financing for energy audits. This law requires that an energy audit conducted under the program address compliance with the model building energy code adopted by the Public Utilities Commission instead of the standards for indoor air quality developed by the American Society of Heating, Refrigeration and Air Conditioning Engineers. This law also requires the Maine Municipal Bond Bank to report annually on the program to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters.

LD 678

An Act Regarding Eminent Domain Authority and Certificate of Public Convenience and Necessity Requirements for the Construction of Transmission Lines

PUBLIC 148

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT	OTP-AM	S-62

This bill requires a transmission and distribution utility to obtain a certificate of public convenience and necessity from the Public Utilities Commission for the construction, rebuilding or relocation of a transmission line before the utility can obtain approval from the commission for eminent domain authority to take private lands and easements for the transmission line.

Committee Amendment "A" (S-62)

This amendment replaces the bill. The amendment requires a transmission and distribution utility or other entity proposing to construct a transmission line to notify the Public Utilities Commission and in some cases obtain a certificate of public convenience and necessity from the commission prior to purchasing or leasing state-owned land for the purpose of constructing a transmission line. The amendment provides an exception from these requirements for the construction of a generator interconnection transmission facility. It also makes changes within the section of law governing the construction of transmission lines to provide consistency in the

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language used to refer to the entity proposing to construct a transmission line. The amendment also requires a transmission and distribution utility to obtain a certificate of public convenience and necessity from the commission for the construction of a transmission line before the utility may exercise the right of eminent domain for lands and easements for the location of the transmission line.

Enacted Law Summary

Public Law 2007, chapter 148 requires a transmission and distribution utility or other entity proposing to construct a transmission line to notify the Public Utilities Commission and in some cases obtain a certificate of public convenience and necessity from the commission prior to purchasing or leasing state-owned land for the purpose of constructing a transmission line. The law provides an exception from these requirements for the construction of a generator interconnection transmission facility. It also makes changes within the section of statute governing the construction of transmission lines to provide consistency in the language used to refer to the entity proposing to construct a transmission line. The law also requires a transmission and distribution utility to obtain a certificate of public convenience and necessity from the commission for the construction of a transmission line before the utility may exercise the right of eminent domain for lands and easements for the location of the transmission line.

LD 710 An Act To Promote Rural Broadband Access

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAYE	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. This bill seeks to establish a position in State Government with the mission of promoting the development of telecommunications infrastructure and capacity in rural areas of this State. This position would be charged with coordinating the State's efforts to identify need, create options and provide support at the local level. This position would provide advocacy and technical support to help communities, businesses and nonprofits obtain funds that would help advance their communications vision. This bill also seeks to establish a challenge grant fund that would leverage funds available from a variety of sources, including funds currently available from the Federal Government, to expand broadband access in rural areas.

The Joint Standing Committee on Utilities and Energy, by letter dated 4/13/07, requested that the ConnectME Authority place a high priority on identifying and securing federal funds and other funding sources to promote the expansion of broadband service in rural areas and dedicate staff resources to this task.

LD 742 An Act Concerning Wholesale Power Purchases by Consumer-owned Transmission and Distribution Utilities

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLETCHER SHERMAN	ONTP	

This bill creates an exemption from the requirement that all customers of electricity have the right to purchase generation services directly from competitive electricity providers, known as the "retail access" right. This exemption is provided for customers of consumer-owned transmission and distribution utilities that choose to enter into wholesale power purchase contracts or standard-offer service contracts on behalf of all of their customers, except that customers who entered into separate retail power purchase contracts before the effective date of the wholesale power purchase contract are allowed purchase generation under that contract until it expires.